

USDC SDNY
DOCUMENT
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

FABIO MOREL,
a/k/a "Fabian Luna"
a/k/a "Efrain Delvalle,"

Defendant.

ORDER OF FORFEITURE

S2 10 Cr. 798 (PAC)

WHEREAS, on or about August 31, 2011, FABIO MOREL, a/k/a "Fabian Luna" and a/k/a "Efrain Delvalle" (the "defendant"), was charged in a four-count Superseding Indictment, S2 10 Cr. 798 (PAC) (the "Indictment"), with distributing and possessing with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 846 (Count One); intentionally and knowingly distributing and possessing with intent to distribute a controlled substance which was 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B) (Count Three);

WHEREAS, the Indictment included a forfeiture allegation, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting or derived from any proceeds the defendants obtained directly and indirectly as a result of one or more offenses and any and all property used and intended to be used in any manner and

part to commit and to facilitate the commission of one or more of the offense alleged in Counts One through Four of the Indictment;

WHEREAS, on or about September 21, 2011, the jury returned a guilty verdict against the defendant as to Counts One and Three of the Indictment;

WHEREAS, the defendant was sentenced on or about June 6, 2012;

WHEREAS, the Court has determined that the defendant obtained \$26,000,000.00 in proceeds as a result of the offenses alleged in Counts One and Three of the Indictment, and is therefore liable for a criminal forfeiture money judgment in such amount, pursuant to Title 21, United States Code, Section 853, and

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment,"

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT

1. As a result of the offenses charged in Counts One and Three of the Indictment, of which the defendant has been convicted, a money judgment in the amount of \$26,000,000.00 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture, this Order is final as to the defendant, FABIO MOREL, a/k/a "Fabian

Luna" and a/k/a "Efrain Delvalle," and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. Upon execution of this Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

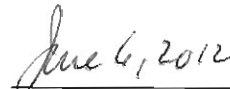
6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

SO ORDERED:



HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE


DATE